

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

V.

No. 20-cv-11548-NMG

TEVA PHARMACEUTICALS USA, INC., and

TEVA NEUROSCIENCE, INC.,

Defendants.

MOTION TO CANCEL MEDIATION

Plaintiff the United States of America respectfully requests that the Court cancel the mediation currently scheduled for November 14, 2022 (ECF Nos. 81, 83). Because the parties remain extraordinarily far apart with respect to settlement, mediation would not be a productive use of the government's or the mediator's resources at this time. The United States proposes that the parties file a joint notice if and when they jointly believe mediation would be productive.

On December 7, 2021, the Court ordered the parties to attend a mediation hearing before Senior Judge Edward F. Harrington on October 2, 2022. ECF No. 48. On September 6, 2022, the Court granted a joint motion to modify the scheduling order, which moved the mediation date to November 14, 2022. ECF No. 83.

The government's position is that mediation would be futile at present. The parties previously engaged in settlement negotiations and remain extraordinarily far apart. Although the United States remains willing to resume those settlement negotiations at any time, given the parties' extremely divergent views, a formal mediation would not be a productive use of the government's or the mediator's resources, especially prior to expert discovery. The United

States proposes that the parties submit a joint statement in the future if they believe mediation would advance settlement negotiations in a meaningful way.

For these reasons, the United States requests that the Court cancel the mediation.

Dated: October 6, 2022

Respectfully submitted,

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